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Governor

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Lieutenant Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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Daniel Bennett  
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Commissioner

### MINUTES

#### ELEVATOR STUDY COMMISSION

1 ASHBURTON PLACE, BOSTON, MA, DPS CONFERENCE ROOM 1301

MARCH 6, 2015

1. Meeting was called to order by Chairman Thomas Gatzunis at 10:05AM followed by Introductions:

#### Board Members Present

Anne Powers  
Thomas Gatzunis  
Walter Zalenski  
Jeffrey Handibode  
Alexander MacLeod  
Edward Slein  
Jeffrey Halley  
Neil Mullane  
Doug Cullington

#### Board Members Absent

George Ramian

#### DPS Staff Present

Beth McLaughlin, Chief of Staff/General Counsel  
Jean McCarthy, DPS Program Coordinator

#### Guests Present

Robert P. Rodophele, Attorney, Ferriter Scobbo and Rodophele PC

2. Approval of Minutes-Alexander MacLeod had one small change to the minutes in item number #7 from "Motion was made by Chief Zalenski to Motion was made by Alexander MacLeod" Motion to approve the meeting minutes by Chief Zalenski seconded by Jeff Halley. All in favor 9-0.
3. Civil Fines-Neil Mullane circulated a handout regarding civil fines. Mr. Mullane did not feel the 30 day time line to file an appeal was an appropriate amount of time and requested it be changed to 120 days. Mr. Slein also agreed the 30 day time frame was too stringent. Commissioner Gatzunis reminded all that the time to appeal a traffic or parking ticket is typically 21 days. Jeff Halley asked if the new

database showed the fine. Chairman Gatzunis stated that the new database will show the fine if you are late and it will automatically be built into payment when you file for an inspection. Mr. Mullane also questioned the use of “may” as opposed to “shall” in the regulations. Beth McLaughlin stated we used “may” to clarify things that didn’t apply. Mr. Mullane suggested DPS list out mitigating circumstances and Chairman Gatzunis stated that the list would be too lengthy and it’s discretionary. Beth McLaughlin agreed to include “Any person aggrieved by a determination of the Department may appeal to the Superior Court in accordance with M.G.L. c.30A, sec. 14.” She stated that is standard language that should be included in the Regulations.

4. Temporary Certificates for New Installations-Chairman Gatzunis asked Chief Zalenski if the Board of Elevator Regulations reviewed this section. Chief Zalenski said they did not as their docket was full. Chairman Gatzunis wants this section reviewed by the Board and to give this Commission their ruling. We will need this information in order to create an appropriate recommendation to Legislature. Chairman Gatzunis stated we will table this topic until the Board of Elevator Regulations has a chance to review it and it will remain on the Elevator Study Commission’s agenda.
5. Reinspection Procedure of Other States- Neil Mullane stated that he has been working on this and each state does something different with regards to signing off on an inspection. Mr. Mullane would like to follow up with this topic at next meeting.
6. Frequency of Inspections for New Installations-Chief Zalenski thinks the first year inspection is very important and necessary. Alexander MacLeod suggested that these inspections be completed every two years as the elevators are new. Doug Cullington stated that a lot of owners do not carry maintenance contracts on elevators and there could be several safety concerns after the first year. Alexander MacLeod asked if DPS could get statistics on these new installations and how many fail inspections after first year. Neil Mullane stated that Elevator Maintenance Contractors do their own inspection after the first year and whether DPS would need to be present for that inspection or could the Contractor sign off on the inspection. Chairman Gatzunis asked Chief Zalenski to provide the statistics requested by Alexander MacLeod at the next meeting. These statistics will determine how we should proceed in this area.
7. Matters not reasonable anticipated 48 hours in advance of meeting-Jeffrey Handibode asked how DPS cleaned up the inspections in the western part of the state when there was a huge backlog. Chief Zalenski stated he dispatched several inspectors to that area from other districts. Chairman Gatzunis stated that new elevators are being installed and the amount of elevators in the Commonwealth are increasing every year. DPS would need to have additional money for new inspectors to inspect all the new elevators in the Commonwealth. Doug Cullington suggested that NEII (Neil Mullane) could find out how many new elevators are expected to be installed in a year.
8. Schedule Next Meeting-The next Elevator Study Commission meeting is scheduled for March 27, 2015 at 10:00a.m. in the DPS Conference Room.
9. Adjourn-Motion to Adjourn by Jeff Handibode, Seconded by Neil Mullane. All in favor 9-0. The meeting adjourned at 11:20am.

List of Documents/Exhibits used at this meeting

Agenda

Minutes from February 20, 2015

520 CMR 16.00

Handout from Neil Mullane on Civil Fines